

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUNAWAY RECORDS PRODUCTIONS,  
LLC,

Plaintiff,

v.

FRANCISCAN UNIVERSITY OF  
STEUBENVILLE,

Defendant.

Civil Action No. 21-752

**ORDER**

**AND NOW**, this 13th day of June 2024, in accordance with the Court's Instructions during the Judicial Settlement Conference held on June 11, 2024, in the above-captioned matter,

**THE COURT HEREBY ORDERS** as follows:

1. Counsel shall meet in an attempt to agree on a joint set of proposed substantive jury instructions regarding Plaintiff's claims and their elements, Defendant's counterclaims and their elements, defenses and their elements, the issue of damages, and any evidentiary or other matters particular or unique to this case. As addressed by the Court at the Judicial Settlement Conference, in their joint proposal the parties should address whether determination of what constitutes cause for termination of the agreement at issue in the parties' dispute is an issue to be decided by the Court or a question to be decided by the jury. If the latter, an appropriate jury instruction should be included among the parties' proposed instructions. After conferring, counsel shall file a **unified** (meaning one) set of proposed instructions by **July 29, 2024**, and shall e-mail a copy of the proposed instructions to the Court's law clerk at chelsey\_kelso@pawd.uscourts.gov.

- a. The filed set of instructions shall include both the agreed upon instructions and the proposed instructions to which the parties have not agreed. Each agreed upon instruction shall include the following notation at the bottom: “This proposed instruction is agreed upon by the parties.”
  - b. Each instruction to which the parties have not agreed shall indicate at the bottom the name of the party proffering the instruction. Counsel are required to support their disputed instruction(s) with citations to case authority, analysis, and argument supporting their position(s). Proposed instructions by different parties shall be grouped together (*i.e.*, instructions should be matched with counter instructions).
  - c. Responses, if any, to disputed proposed jury instructions shall be filed within **fourteen (14)** days of the parties’ filing of the unified set of proposed instructions.
2. Counsel shall separately file offers of proof concerning damages by **July 29, 2024**. Such offers of proof shall be no more than two double-spaced pages with twelve (12) point font. At this time, no responses to offers of proof will be permitted except by leave of Court.
  3. Counsel shall also separately file statements identifying anticipated motions in limine or unusual legal issues to the Court by **July 29, 2024**. However, neither anticipated motions in limine themselves, nor any other pre-trial motions, should be filed at this time except by leave of Court.

*/s/ W. Scott Hardy*  
W. Scott Hardy  
United States District Judge

cc/ecf: All counsel of record